

March 12, 2024

By ECF

Honorable Ann M. Donnelly  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Sylla et al., v. Amazon Labor Union et al.  
Civil Case No. 23- 05261 (AMD)  
Motion to Intervene

Dear Judge Donnelly:

Michelle Valentin Nieves has moved, pro se, to intervene. We oppose her motion, but don't adopt all of the arguments made in the Amazon Labor Union (ALU)'s submission.

As you are aware, via a Consent Order, the ALU is moving towards an election. A vote of the members has occurred where members voted by a meaningful margin, to move towards an election in June or July. All that is left to litigate here will be an All-Writs Act motion to compel Amazon to make a mailing list available to the union through a 3<sup>rd</sup> Party mail house, and to compel Amazon to allow candidates into non-work areas of its property.

Ms. Nieves was/is one of the unelected officers appointed by the ALU President. The Plaintiffs don't agree that one "appointed" that it was proper to remove Ms. Nieves because she complained about being assaulted in the union office by a staff member. She had been at odds with the Union President, and the ALU, in our view, should have brought charges if it felt that she did something injurious to the union, and held a trial. It didn't do that, and Ms. Nieves hasn't brought suit in the seven months since then. This resolved lawsuit is not the place to litigate her removal.

The union meeting she complains about was solely informational. The voting which occurred from February 27<sup>th</sup> through March 2<sup>nd</sup> was what counted, and that happened pursuant to a Court Order, which she did not oppose. Ms. Nieves went to the meeting (which had about 20 members in attendance) and disrupted it. She was so disruptive that the NYPD, at the request of hotel management (the meeting was in a hotel) had to escort her out.

Ms. Nieves' may have a claim to pursue about her removal from office. The proper vehicle is not this largely resolved lawsuit. If Ms. Nieves wants to run for office, she will be free

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to run and gather votes of support over the next 3-4 months. She does not need to intervene in order to do that.

The Motion to Intervene should be denied.

Respectfully submitted,

*/s/ Arthur Z. Schwartz*

Arthur Z. Schwartz

cc. All Counsel by ECF

Michelle Valentine Nieves – by email